

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 TRACY WEBB,

8 Plaintiff,

9 v.

10 ST. MARY'S NURSES & DOCTORS, et al.,

11 Defendants.

Case No. 3:17-CV-0286-MMD (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

12
13 This Report and Recommendation is made to the Honorable Miranda M. Du, United States
14 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
15 § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reason set forth below, it is
16 recommended that plaintiff's complaint be dismissed.

17 On May 4, 2017, plaintiff submitted an application to proceed *in forma pauperis* (ECF No.
18 1). The court found that plaintiff's incomplete declaration was insufficient for the court to act
19 upon the application (ECF No. 3). Plaintiff was ordered to file a new application to proceed *in*
20 *forma pauperis* with the clerk on or before July 30, 2017. *Id.* Plaintiff failed to do so, and the order
21 was returned to the court by the U.S. Postal Service as undeliverable (ECF No. 4).

22 Based upon the foregoing, the undersigned magistrate judge recommends that this action
23 be dismissed without prejudice.

24 The parties are advised:

25
26 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice,
27 the parties may file specific written objections to this report and recommendation within fourteen
28 days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and

1 Recommendation" and should be accompanied by points and authorities for consideration by the
2 District Court.

3
4 2. This report and recommendation is not an appealable order and any notice of appeal
5 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

6 **RECOMMENDATION**

7 For the reason stated above, the undersigned Magistrate Judge recommends that the District
8 Court enter an order **DISMISSING** this action without prejudice.

9 DATED: August 28, 2017.

10
11 
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28